

FOR FURTHER INFORMATION CONTACT: Policy and Guidance Branch, Policy and Program Evaluation Division, Office of Site Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460. Phone: (202) 564-5115. The policy is available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of the policy can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB97-199731. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: orders@ntis.fedworld.gov.

Dated: September 30, 1997.

Barry Breen,

Director, Office of Site Remediation Enforcement.

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Branch, Policy and Program Evaluation Division, Office of Site Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460. Phone: (202) 564-5115. The guidance document is also available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of the policy can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB98-103146. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: orders@ntis.fedworld.gov.

Dated: September 30, 1997.

Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance.

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Remediation Enforcement, 401 M St., SW, 2273A, Washington, D.C. 20460 or Bob Brook in the Environmental Enforcement Section of the Department of Justice at (202) 514-2738. This addendum is available electronically at <http://www.epa.gov/envirosense/oeca/osre/osredoc.html>. Copies of this document can be ordered from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. Each order must reference the NTIS item number, PB98-103138. For telephone orders or further information on placing an order, call NTIS at (703) 487-4650 or (800) 553-NTIS. For orders via E-mail/Internet, send to the following address: orders@ntis.fedworld.gov.

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Steven A. Herman,

Assistant Administrator, Office of Enforcement and Compliance Assurance Environmental Protection Agency.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-6]

Announcement and Notice of Availability of the Guidance on EPA Participation in Bankruptcy Cases

SUMMARY: The purpose of this guidance is to identify the factors to be considered by the Environmental Protection Agency in determining whether to participate in a bankruptcy case, including whether to pursue collection of costs or penalties against debtors who have liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or other environmental statutes. This guidance also addresses issues in bankruptcy cases relating to the abandonment of contaminated property, cleanup activities under CERCLA on property included in the bankruptcy estate, and the impact of the automatic stay on different types of administrative and judicial enforcement activities. It supersedes the "Guidance Regarding CERCLA Enforcement Against Bankrupt Parties," OSWER Directive #9832.7 (May 24, 1984) and the "Revised Hazardous Waste Bankruptcy Guidance," OSWER Directive #9832.8 (May 23, 1986).

FURTHER INFORMATION CONTACT: Andrea Madigan, USEPA Region IV, 61 Forsyth Street, Atlanta, GA 30303. Phone: (404) 562-9518. Copies of the document are available from the Policy and Guidance

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-8]

Announcement and Notice of Availability of an Addendum to the "Interim CERCLA Settlement Policy" Issued on December 5, 1984

SUMMARY: This memorandum is an addendum to the "Interim CERCLA Settlement Policy" which was issued by the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) on December 5, 1984 (50 FR 5024, February 5, 1985). That policy sets forth the general principles governing settlements with potentially responsible parties under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). On June 3, 1996, EPA issued an "Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals." Because that guidance document does not apply to CERCLA cost recovery settlements in which the parties are not agreeing to perform remedial design/remedial action work or a non-time critical removal, EPA and DOJ are issuing the addendum to provide the Regions with direction for addressing potential compromises of CERCLA cost recovery claims due to the existence of a significant orphan share.

FOR FURTHER INFORMATION CONTACT: Laura Bulatao (202-564-6028) or Deniz Ergener (202-564-4233), Office of Site

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5921-7]

Announcement and Notice of Availability of the Interim Policy on Settlement of CERCLA Section 106(b)(1) Penalty Claims and Section 107(c)(3) Punitive Damages Claims for Noncompliance with Administrative Orders

SUMMARY: This policy is intended to make calculation of civil penalties and punitive damages under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for purposes of settlement a fair and effective process for deterring noncompliance with EPA's administrative orders. The policy contains an innovative approach toward penalty calculation which takes into account factors particularly relevant to CERCLA cases by incorporating both harm and equitable adjustment factors into a single "harm-recalcitrance" matrix. Factors such as the noncomplier's degree of responsibility for the site and ability to finance compliance with an administrative order are considered early in the calculation process to encourage companies that have greater responsibility for the creation of the CERCLA site and/or are better able to finance a cleanup to step forward and work with other viable potentially responsible parties to take responsibility